REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Office Action dated October 27, 2003. In that Office Action, claims 1-20 were examined, and all claims were rejected. Reconsideration of these objections and rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

Claims 1-20 are in the application. Claims 1, 2, 4, 6-17, and 20 have been amended. No new claims have been added and no claims have been canceled. Therefore, claims 1-20 remain present for examination.

Claim Objections

Claims 17 and 19 have been objected to due to informalities. The Applicant believes that the Examiner intended to object to claim 20 rather than 19 since the objected to language is found in claim 20 but not in claim 19. However, if the Examiner intended to object to claim 19, clarification of the objection is requested. Appropriate amendments to claims 17 and 20 have been made to correct the informalities. Therefore, the Applicant respectfully requests withdrawal of the objection.

Claim Rejections - 35 USC § 112

Claims 7 and 11 have been rejected under 35 USC § 112, second paragraph. Claims 7 and 11 have been amended above to improve their form. In light of these amendments, it is believed that the rejections under 35 USC §112 have been obviated. Therefore, the Applicant respectfully requests withdrawal of the rejections.

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Claim Rejections - 35 USC § 102

Claims 1-20 have been rejected under 35 USC § 102(e) as being anticipated by Rock et al. (USPN 6,039,047). The Applicant respectfully traverses the rejection since Rock et al. (hereinafter "Rock") does not anticipate claims 1-20. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 citing <u>Verdegaal Bros. v. Union Oil Co. of California</u>, 814 F.2d 628, 631, 2 USPQ 1051, 1053 (Fed Cir. 1987). As will be discussed in detail below, Rock does not expressly or inherently describe each and every element set forth in claims 1-20.

Rock is directed to "control[ling] the appearance of a control region displayed along with a medical image on a medical device." (Col. 1, lines 22-24) Under Rock, "when the user positions a pointer over a control region, the appearance of the control region ensures readability by a user. When the user positions the pointer away from the control region, the appearance of the control region changes to a less distracting form." (Col. 1, lines 24-29) As illustrated in Figure 3 and described in Col. 3, lines 2-51 as well as Figure 5 described in Col. 3, line 52 through Col. 4, line 3, Rock changes the appearance of a control region of the display based solely on the location of the pointer. Rock does not expressly or inherently describe a control state or a focus state for a control element or displaying a control element based on a combination of the control state and focus state.

Independent claim 1, upon which claims 2-6 depend, relates to a method for displaying a focus state of a user interface element and recites in part "if the user interface element is in the active state and in the focus state, building a merged state indicating the user interface element is in the active state and in the focus state; and rendering based on the merged state a display of the user interface element in the active state with a focus state indicator." Rock does not expressly or inherently describe building a merged state indicating the user interface element is in the active state and in the focus state and rendering based on the merged state a display of the user interface element. Rather, Rock describes changing the appearance of a control region of the display based solely on the location of the pointer. For at least this reason, independent claim 1 and its dependent claims 2-6 are not anticipated by Rock and should be allowed.

Independent claim 7, upon which claims 8-10 depend, relates to displaying a themed focus state of a control element and recites in part "if the control element is in the focus state, building a combined state indicating the control state and focus state of the control element; and rendering the control element based on the combined state so that the control element is displayed with a themed focus state." Rock does not expressly or inherently describe building a combined state indicating the control state and focus state of the control element and rendering the control element based on the combined state. Rather, Rock describes changing the appearance of a control region of the display based solely on the location of the pointer. For at least this reason, independent claim 7 and its dependent claims 8-10 are not anticipated by Rock and should be allowed.

Independent claim 11, upon which claims 12-16 depend, relates to a method for changing visual styles of a focus state indicator in a control element and recites in part "creating a combined state for the control element when the control element is in the focus state, the combined state being a single merged state representing the operative state and the focus state; and drawing the control element in the combined state using the operative state theme and a focus state theme, whereby the visual style of the focus state indicator in the control element is changed by the focus state theme." Rock does expressly or inherently describe creating a combined state for the control element when the control element is in the focus state, the combined state being a single merged state representing the operative state and the focus state and drawing the control element in the combined state using the operative state theme and a focus state theme. Rather, Rock describes changing the appearance of a control region of the display based solely on the location of the pointer. For at least this reason, independent claim 11 and its dependent claims 12-16 are not anticipated by Rock and should be allowed.

Independent claim 17, upon which claims 18 and 19 depend, relates to a system for themeing a focus state indicator separate from an operative theme for a control element and recites in part "a build combined state module in response to the focus state indicating the focus condition merging the operative state and the focus state into a combined state indicating the control element may be rendered based on both an operative state theme and a focus state theme." Rock does not expressly or inherently describe a build combined state module in

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response to the focus state indicating the focus condition merging the operative state and the focus state into a combined state indicating the control element may be rendered based on both an operative state theme and a focus state theme. Rather, Rock describes changing the appearance of a control region of the display based solely on the location of the pointer. For at least this reason, independent claim 17 and its dependent claims 18 and 19 are not anticipated by Rock and should be allowed.

Claim 20 relates to a user interface with selectable focus indicators for control elements and recites in part a user interface that "displays the control element in a combined operative-focus state, the display of the control element in the combined state being based on the operative state theme and the focus state theme." Rock does not expressly or inherently describe a user interface that displays the control element in a combined operative-focus state, the display of the control element in the combined state being based on the operative state theme and the focus state theme. Rather, Rock describes changing the appearance of a control region of the display based solely on the location of the pointer. For at least this reason, independent claim 20 is not anticipated from Rock and should be allowed.
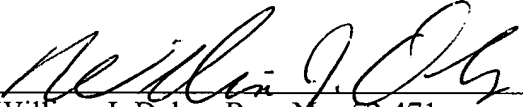
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Conclusion

As all claims now in the application are in condition for allowance, Applicant requests the application be allowed and pass to issuance as soon as possible. Applicant respectfully requests that the rejections be withdrawn and the claims allowed. Should the Examiner believe that a telephone conference would help expedite this prosecution, the Examiner is invited to telephone the undersigned at the telephone number below.

It is believe that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

Respectfully submitted,

Dated: 1/27/04

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PATENT TRADEMARK OFFICE
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William J. Daley, Reg. No. 52,471
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
303.357.1633

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